

EXHIBIT 5

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYLER MAUL,

Plaintiff,

vs.

Case No. 23-CV-11139

Hon. Mark A. Goldsmith

Mag. Judge Anthony P. Patti

BEAUMONT HOSPITAL - DEARBORN, a
Michigan corporation, K-9 ACADEMY
TRAINING FACILITY, LLC, a Michigan
Limited Liability Company, JOSEPH
TUCKER, an individual, WHITNEY GUERBER,
an individual, DANIEL MACK, an
individual, and MARK WILKES, an individual,
Defendants.

The Deposition of TERRENCE M. FOLEY
Taken at 407 North Main Street, Suite 200
Ann Arbor, Michigan
Commencing at 9:57 a.m.
Thursday, March 7, 2024
Stenographically reported by:
Joanne Marie Bugg, CSR-2592, RPR, RMR, CRR
Job No. 6484830

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 TERESA J. GORMAN</p> <p>4 Teresa J. Gorman, PLL</p> <p>5 5700 Crooks Road</p> <p>6 Suite 200</p> <p>7 Troy, Michigan 48098</p> <p>8 248.763.6943</p> <p>9 terigorman@aol.com</p> <p>10 Appearing on behalf of the Plaintiff.</p> <p>11</p> <p>12 JAMES K. FETT</p> <p>13 Fett & Fields PC</p> <p>14 407 North Main Street</p> <p>15 Suite 200</p> <p>16 Ann Arbor, Michigan 48104</p> <p>17 734.954.0100</p> <p>18 jim@fettlaw.com</p> <p>19 Appearing on behalf of the Defendants.</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22 Mark Wilkes</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 Ann Arbor, Michigan</p> <p>2 Thursday, March 7, 2024</p> <p>3 9:57 a.m.</p> <p>4</p> <p>5 TERRENCE M. FOLEY,</p> <p>6 was thereupon called as a witness herein, and after</p> <p>7 having first been duly sworn to testify to the truth,</p> <p>8 the whole truth and nothing but the truth by the</p> <p>9 stenographer, was examined and testified as follows:</p> <p>10 EXAMINATION</p> <p>11 BY MS. GORMAN:</p> <p>12 Q. Would you please state your full name for the record.</p> <p>13 A. Terrance Michael Foley.</p> <p>14 Q. Mr. Foley, my name is Teri Gorman. We met briefly. I am</p> <p>15 one of the attorneys who represents Tyler Maul in</p> <p>16 litigation against a variety of people, K-9 Training</p> <p>17 Academy, I think.</p> <p>18 A. Training Facility.</p> <p>19 Q. Training Facility. I always get it wrong. We're going</p> <p>20 to call it K-9, okay?</p> <p>21 A. You got it. You got it.</p> <p>22 Q. As well as Mr. Wilkes and Mr. Marks. Have you ever had</p> <p>23 your deposition taken before?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. How many times?</p>
<p style="text-align: right;">Page 3</p> <p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4 TERRENCE M. FOLEY</p> <p>5</p> <p>6 EXAMINATION BY MS. GORMAN: 4</p> <p>7 EXAMINATION BY MR. FETT: 76</p> <p>8 RE-EXAMINATION BY MS. GORMAN: 83</p> <p>9 RE-EXAMINATION BY MR. FETT: 83</p> <p>10</p> <p>11 EXHIBITS</p> <p>12</p> <p>13 EXHIBIT PAGE</p> <p>14 (Exhibits attached to transcript.)</p> <p>15 DEPOSITION EXHIBIT 1 56</p> <p>16 Defendant K-9 Academy Training Facility, LLC's</p> <p>17 Responses to Plaintiff's First Interrogatories</p> <p>18 DEPOSITION EXHIBIT 2 73</p> <p>19 Subpoena</p> <p>20 DEPOSITION EXHIBIT 3 76</p> <p>21 Resume</p> <p>22 DEPOSITION EXHIBIT 4 77</p> <p>23 Excerpt from Tyler Maul's Deposition, Pages 14-17</p> <p>24 DEPOSITION EXHIBIT 5 78</p> <p>25 Excerpt from Tyler Maul's Deposition, Pages 54-57</p>	<p style="text-align: right;">Page 5</p> <p>1 A. I'm an expert witness in federal court.</p> <p>2 Q. Okay.</p> <p>3 A. So I've given quite a few depositions.</p> <p>4 Q. Perfect. What are you an expert witness in? What's</p> <p>5 your expertise?</p> <p>6 A. K-9.</p> <p>7 Q. Okay.</p> <p>8 A. K-9 use, K-9 training, search and seizure.</p> <p>9 Q. Okay. So I don't have to review the rules with you, do</p> <p>10 I?</p> <p>11 A. That's up to you.</p> <p>12 Q. So far you're doing just fine as I think I am, too, but</p> <p>13 the minute we start talking over each other, Joanne</p> <p>14 will remind us not to do that. You obviously have to</p> <p>15 answer yes, or no, or verbal answers.</p> <p>16 A. Yes, yes.</p> <p>17 Q. And, again, if I remind you and say is that a yes or a</p> <p>18 no, I'm not trying to be rude. I'm just trying to make</p> <p>19 sure we have a clear record.</p> <p>20 A. Understood.</p> <p>21 Q. Other than as an expert witness, have you ever</p> <p>22 testified in deposition or court?</p> <p>23 A. In court, several times. I was a law enforcement</p> <p>24 officer for 29 years and eight months.</p> <p>25 Q. But who's counting?</p>

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<p style="text-align: right;">Page 6</p> <p>1 A. Yes. I'm retired from there.</p> <p>2 Q. Okay.</p> <p>3 A. And, yes, I have testified in court several times.</p> <p>4 Q. Have you been a party to a lawsuit?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. As a defendant, or plaintiff, or both?</p> <p>7 A. Both.</p> <p>8 Q. All related to your law enforcement career?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. When's the last time you were a party to a</p> <p>11 lawsuit?</p> <p>12 A. Are you talking about somebody that hired me as an</p> <p>13 expert?</p> <p>14 Q. No, not an expert, but where you were a party.</p> <p>15 A. Oh, boy, that would probably have been about 25, 26</p> <p>16 years.</p> <p>17 Q. Okay. Have you been a party -- I assume you have not</p> <p>18 been a party to a lawsuit. When I say party, I mean</p> <p>19 either a plaintiff or defendant since retiring from the</p> <p>20 force?</p> <p>21 A. No.</p> <p>22 Q. What's your educational background, sir, briefly?</p> <p>23 A. High school education, two years of college, and then,</p> <p>24 of course, several classes for law enforcement.</p> <p>25 Q. Sure.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. For both departments.</p> <p>2 Q. All right. And what does that entail?</p> <p>3 A. Well, that entails the position being posted by the</p> <p>4 department, and I did get it, of course, to start my</p> <p>5 career back in 1983 when I started as a K-9 handler,</p> <p>6 and was a K-9 handler ever since.</p> <p>7 Q. There you go. Did you undergo training to become a K-9</p> <p>8 handler?</p> <p>9 A. I did.</p> <p>10 Q. Through the department or outside entity?</p> <p>11 A. They paid an outside entity, and it was K-9 Academy.</p> <p>12 Q. Okay.</p> <p>13 A. The previous owners, and I trained with them until they</p> <p>14 retired for approximately, oh, 15 years. And then I</p> <p>15 took over K-9 Academy when they retired.</p> <p>16 Q. So was there a time period in there where you were both</p> <p>17 in charge of K-9 Academy, or owner? Is it owner? Is</p> <p>18 that what you are?</p> <p>19 A. Ys.</p> <p>20 Q. The owner of K-9 Academy, as well as a law enforcement</p> <p>21 officer? Did they overlap?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. For how long a period of time?</p> <p>24 A. I took the business over in 2002.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Throughout the years. Also, I was a firefighter for 15</p> <p>2 years. We were public safety in Highland Park in the</p> <p>3 beginning of my career.</p> <p>4 Q. Okay.</p> <p>5 A. So I've been through the fire academy, and those kind</p> <p>6 of things. So that's pretty much it.</p> <p>7 Q. Okay. Where did you serve as a law enforcement</p> <p>8 officer?</p> <p>9 A. So my career started in the City of Highland Park. I</p> <p>10 did 15 years there.</p> <p>11 Q. Okay.</p> <p>12 A. And then I went to the City of Wayne, and I did just</p> <p>13 under 15 years there where I retired.</p> <p>14 Q. Okay. Perfect. Well, thank you for your service.</p> <p>15 A. Well, thank you.</p> <p>16 Q. I have enormous respect for and family members who are</p> <p>17 law enforcement.</p> <p>18 A. Thank you.</p> <p>19 Q. I think you guys are pretty good. So that's close to a</p> <p>20 30 year career in law enforcement. Was part of that --</p> <p>21 and I assume since you're an expert, the answer's going</p> <p>22 to be yes, but was part of that as a K-9 officer?</p> <p>23 A. Yes, just over 25 years of my law enforcement career I</p> <p>24 was a K-9 officer.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 9</p> <p>1 A. And I retired as a law enforcement officer in 2010. So</p> <p>2 seven years I was the owner, and law enforcement.</p> <p>3 Q. Perfect. Where does your service as a fireman fit in?</p> <p>4 A. So in Highland Park, I started as a police officer.</p> <p>5 Highland Park was the first urban police department</p> <p>6 that went public safety. In other words, they were</p> <p>7 firemen and policemen, so I was part of that.</p> <p>8 Q. And you gave that up when you went to work for Wayne,</p> <p>9 right?</p> <p>10 A. Yeah, Wayne was solely just law enforcement.</p> <p>11 Q. According to the State of Michigan, and I'm not going</p> <p>12 to put this as an exhibit, we talked about -- let's</p> <p>13 talk a little bit more about K-9. And it has you as the</p> <p>14 registered agent. Are you also an officer of the --</p> <p>15 principal of the LLC, I assume, since you're the owner;</p> <p>16 is that a fair statement?</p> <p>17 A. Correct. That's a fair statement.</p> <p>18 Q. Are there any other officers or management members of</p> <p>19 K-9?</p> <p>20 A. Yes, my wife.</p> <p>21 Q. Okay. What position does she hold?</p> <p>22 A. She's a co-owner, and she's also a master trainer.</p> <p>23 Q. Okay. Where'd she get her experience?</p> <p>24 A. Well, she had started -- before her and I met, she was</p> <p>25 showing dogs. And then when I took the business over, I</p>

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<p style="text-align: right;">Page 10</p> <p>1 needed somebody to run my civilian obedience portion of</p> <p>2 the business, and she was recommended, and she came in,</p> <p>3 and it all worked out that she was very well</p> <p>4 experienced into the obedience area, and I hired her.</p> <p>5 Q. And then you married her on top of it?</p> <p>6 A. And then I married her.</p> <p>7 Q. That's a nice story. And that's been since 2002, right?</p> <p>8 A. Well, she actually came on in 2004.</p> <p>9 Q. Okay. Looking at the corporate website with the State</p> <p>10 of Michigan, I see that you are the president and</p> <p>11 registered agent of National Association of</p> <p>12 Professional Canine Handlers?</p> <p>13 A. That is correct.</p> <p>14 Q. Is that known as NAPCH?</p> <p>15 A. Yeah. When people refer to us, they say NAPCH, which</p> <p>16 is just the acronym for that.</p> <p>17 Q. Okay. Okay if we use that today?</p> <p>18 A. Okay.</p> <p>19 Q. I like shortcuts.</p> <p>20 A. Sure.</p> <p>21 Q. So when was NAPCH established?</p> <p>22 A. NAPCH was established -- we started putting it</p> <p>23 together. It is a canine organization international in</p> <p>24 nature. We do have Canadian and US handlers. We started</p> <p>25 to put that together in 2003, and then it was</p>	<p style="text-align: right;">Page 12</p> <p>1 gentlemen we just talked about?</p> <p>2 A. We do have an entire board.</p> <p>3 Q. Okay.</p> <p>4 A. One that's on the board now is James Hilton. He's a</p> <p>5 vice president of Canada. I have Al Daisley. He is the</p> <p>6 vice president of the U.S. I have Al Gill who is my</p> <p>7 accreditation officer. I have David Stone, who's a</p> <p>8 trustee. I have Steve Miller, who's a trustee. I hope</p> <p>9 I'm not forgetting somebody. That's it.</p> <p>10 Q. Okay. Are these, these officer positions, are they</p> <p>11 paid position?</p> <p>12 A. They are not paid positions. None of our positions are</p> <p>13 paid.</p> <p>14 Q. Do you have a salary that's generated by NAPCH? I'm</p> <p>15 not asking what it is. Do you have one?</p> <p>16 A. No, no.</p> <p>17 Q. Do you have a salary generated by K-9?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. So you're an actual employee of K-9?</p> <p>20 A. Well, my wife and I being that we are owners.</p> <p>21 Q. Right.</p> <p>22 A. Once all of every year the taxes are done, and</p> <p>23 everything that has gone out, then it is what is</p> <p>24 considered profit is split between my wife and I, and</p> <p>25 that is considered our salary.</p>
<p style="text-align: right;">Page 11</p> <p>1 incorporated in 2004. We are a 501(c)(3) nonprofit. And</p> <p>2 I got voted in as the president of the organization.</p> <p>3 There was five of us that put the organization</p> <p>4 together.</p> <p>5 Q. Okay.</p> <p>6 A. And then I was voted in to be the president.</p> <p>7 Q. And have you remained in that position since 2004?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. With the state, there are other names listed as</p> <p>10 officers, a Bryan Szostak?</p> <p>11 A. Yes. He's a treasurer.</p> <p>12 Q. Is he still?</p> <p>13 A. Yes.</p> <p>14 Q. Is he employed outside of NAPCH as a K-9 handler, or</p> <p>15 what does he do professionally?</p> <p>16 A. He actually just retired two weeks ago from the Canton</p> <p>17 Police Department. But to answer your question, yes,</p> <p>18 he was a K-9 handler and retired.</p> <p>19 Q. What about Bruce Shippe?</p> <p>20 A. Bruce Shippe is my secretary. And he is a retired</p> <p>21 Garden City officer, K-9.</p> <p>22 Q. Okay. And does your wife hold any kind of official</p> <p>23 position with NAPCH?</p> <p>24 A. Just the master trainer status.</p> <p>25 Q. Okay. Any other officers or directors other than the</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. Are there any other employees, and I use that</p> <p>2 term, employees, of K-9?</p> <p>3 A. There is no other employees.</p> <p>4 Q. Are there actual employees of NAPCH other than these</p> <p>5 officers and directors?</p> <p>6 A. No.</p> <p>7 Q. So is there anybody on payroll from NAPCH?</p> <p>8 A. No.</p> <p>9 Q. Is there anybody working as an independent contractor</p> <p>10 with NAPCH?</p> <p>11 A. No.</p> <p>12 Q. And you said there's no employees, using that term of</p> <p>13 art, with K-9, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Are there independent contractors?</p> <p>16 A. Yes.</p> <p>17 Q. How many independent contractors does K-9 have at this</p> <p>18 point in time?</p> <p>19 A. Five.</p> <p>20 Q. And who are they?</p> <p>21 A. That would be Mark Wilkes, Danny Mack, Bruce Shippe,</p> <p>22 Mark Kay.</p> <p>23 Q. Kay?</p> <p>24 A. Yes, K-A-Y.</p> <p>25 Q. No E?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. No E, yeah.</p> <p>2 Q. And?</p> <p>3 A. Wendy Bemis.</p> <p>4 Q. B-E-M-I-S?</p> <p>5 A. B-E-M-I-S.</p> <p>6 Q. Is Wendy Bemis from Troy, by any chance?</p> <p>7 A. No, she's from downriver, and she is one of my wife's</p> <p>8 instructors.</p> <p>9 Q. Okay. Bemis is a family name, long time family name in</p> <p>10 Troy that we have an elementary school after.</p> <p>11 A. I'll ask her next time I see her.</p> <p>12 Q. It's a unique enough name. I thought must be a Troy</p> <p>13 lady. So as to our two named defendants, Mr. Wilkes and</p> <p>14 Mr. Mack, they are both independent contractors with</p> <p>15 K-9?</p> <p>16 A. Correct.</p> <p>17 Q. How long has Mr. Wilkes been an independent contractor</p> <p>18 with K-9?</p> <p>19 A. Seven years.</p> <p>20 Q. What about Mr. Mack?</p> <p>21 A. Five years.</p> <p>22 Q. When did you first meet Mr. Wilkes?</p> <p>23 A. I met Mr. Wilkes when he became a K-9 handler for the</p> <p>24 Dearborn Police Department. He trained through our</p> <p>25 facility. Oh, my gosh. That was even before I took over</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Was Mr. Mack, same question?</p> <p>3 A. Correct, yes.</p> <p>4 Q. Are any of the other independent contractors, Mr.</p> <p>5 Shippe, Mr. Kay and Ms. Bemis, are they still -- not</p> <p>6 Ms. Bemis, but Mr. Shippe and Mr. Kay, are they still</p> <p>7 active law enforcement officers?</p> <p>8 A. They are not.</p> <p>9 Q. Are they retired as well?</p> <p>10 A. Correct.</p> <p>11 Q. Does K-9 offer services to the public?</p> <p>12 A. Yes.</p> <p>13 Q. What services are offered?</p> <p>14 A. That would be the civilian obedience portion that my</p> <p>15 wife teaches.</p> <p>16 Q. And when I say the public, could I take classes through</p> <p>17 K-9?</p> <p>18 A. Yes.</p> <p>19 Q. As a dog owner?</p> <p>20 A. Yes.</p> <p>21 Q. I wish I'd known that a while ago. That's not true.</p> <p>22 She's wonderful. So if just a regular citizen comes to</p> <p>23 K-9, what am I hopping to learn when I come to K-9?</p> <p>24 A. Well, we like to say we're teaching the owner more than</p> <p>25 we're teaching the dog. It's just about understanding</p>
<p style="text-align: right;">Page 15</p> <p>1 the company, so it was that many years ago. So that</p> <p>2 would have been probably 25 years ago.</p> <p>3 Q. Okay. Did you have anything to do with training him</p> <p>4 when he became a K-9 officer?</p> <p>5 A. I did.</p> <p>6 Q. Was that through K-9?</p> <p>7 A. Correct. I was a trainer for K-9 Academy before I</p> <p>8 became the owner.</p> <p>9 Q. Sure. So at that time that Mr. Wilkes would have been</p> <p>10 trained, you were just training, not only owning, too,</p> <p>11 right?</p> <p>12 A. That is correct.</p> <p>13 Q. Same questions as to Mr. Mack. When and where did you</p> <p>14 meet Mr. Mack?</p> <p>15 A. So I met Mr. Mack when he came to K-9 Academy as an</p> <p>16 Allen Park officer K-9. And same circumstance. I was</p> <p>17 a trainer assisting at the time, and that's when I met</p> <p>18 him.</p> <p>19 Q. To your knowledge, is Mr. Wilkes still an active police</p> <p>20 officer?</p> <p>21 A. He is retired.</p> <p>22 Q. What about Mr. Mack?</p> <p>23 A. Same, retired.</p> <p>24 Q. Was Mr. Wilkes, was he an active police officer when he</p> <p>25 became a trainer for K-9?</p>	<p style="text-align: right;">Page 17</p> <p>1 the animal, know how to communicate with the animal,</p> <p>2 how to do things in a humane manner. So our obedience</p> <p>3 course is four weeks in length, one night each week,</p> <p>4 two hour sessions each time. And it is very popular. We</p> <p>5 don't even advertise. We do everything by word of</p> <p>6 mouth, and we're full each month. But it has to do with</p> <p>7 basically teaching the owner on what to do properly</p> <p>8 and, like I said, in a well humane manner.</p> <p>9 Q. Okay. And that class is taught by Mrs. Foley and Ms.</p> <p>10 Bemis?</p> <p>11 A. That is correct.</p> <p>12 Q. Are those classes taught by the other gentlemen?</p> <p>13 A. Dan Mack does assist my wife on two of the nights,</p> <p>14 because there's three different classes going on. So,</p> <p>15 yes, he does assist.</p> <p>16 Q. I see, okay. Mr. Wilkes does not?</p> <p>17 A. He does not.</p> <p>18 Q. And the other two gentlemen do not?</p> <p>19 A. Do not.</p> <p>20 Q. Any other services offered to the general public?</p> <p>21 A. No, that's it.</p> <p>22 Q. Does K-9 provide services to companies or law</p> <p>23 enforcement agencies?</p> <p>24 A. To law enforcement agencies and companies, yes.</p> <p>25 Q. Okay. I don't need to know all of them, but</p>

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<p style="text-align: right;">Page 18</p> <p>1 approximately how many law enforcement agencies utilize</p> <p>2 your services, K-9 services?</p> <p>3 A. Currently I have 38 law enforcement teams that are</p> <p>4 training out of the facility.</p> <p>5 Q. Okay.</p> <p>6 A. It's called maintenance training.</p> <p>7 Q. Okay. And are those all US or some Canada?</p> <p>8 A. They are all US.</p> <p>9 Q. All Detroit area?</p> <p>10 A. Yeah, Southeast Michigan is a good way to put it.</p> <p>11 Q. Okay. And what constitutes, I believe you said,</p> <p>12 maintenance services or maintenance training?</p> <p>13 A. So the officers come to us for their initial training</p> <p>14 where they're starting out. When they're completed</p> <p>15 through that course, which is three months long, then</p> <p>16 they go to what we call maintenance training.</p> <p>17 And what we try to do is we're fulfilling a</p> <p>18 federal guideline, if you will, that for a working dog</p> <p>19 that they maintain their training a minimum of 16 hours</p> <p>20 a month, and this was a recommendation from the US</p> <p>21 Supreme Court. We try to follow those guidelines.</p> <p>22 Q. Okay. So is it fair to say that there is a -- for as</p> <p>23 long as the dog, in particular, is a K-9 security dog,</p> <p>24 that dog is going to have a relationship with K-9?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 20</p> <p>1 locations. I have Trinity that has many different</p> <p>2 locations. I have Providence that has a couple</p> <p>3 different locations. I have St. John's that has a</p> <p>4 couple different locations. I have McLaren that has</p> <p>5 multiple locations. Ascension, and I believe that's it.</p> <p>6 Q. Beaumont Corewell?</p> <p>7 A. They're no longer training with me. You said at the</p> <p>8 time.</p> <p>9 Q. There was a point in time where Beaumont Corewell was</p> <p>10 training with you, correct?</p> <p>11 A. Correct.</p> <p>12 Q. When did that cease?</p> <p>13 A. It was effective February the 5th.</p> <p>14 Q. Of this year?</p> <p>15 A. Correct.</p> <p>16 Q. Did you end that relationship or did --</p> <p>17 A. I did not. They did.</p> <p>18 Q. Okay. Do they no longer, Beaumont, and I know it's</p> <p>19 Corewell, or something like that. We'll call it</p> <p>20 Beaumont, because that's what it is.</p> <p>21 A. Okay.</p> <p>22 Q. Did Beaumont cease having a K-9 security force?</p> <p>23 A. No. According to their letter that I received, they</p> <p>24 were just going in a different avenue of trying to</p> <p>25 standardize their K-9 program for the entire Southeast</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. I mean, it may change handlers, correct?</p> <p>2 A. It may, yes.</p> <p>3 Q. But if I'm understanding your testimony correctly, once</p> <p>4 the dog is registered as a recipient of the training at</p> <p>5 K-9, that will extend as long as the dog is operating</p> <p>6 in that position, correct?</p> <p>7 A. It is extended as long as the customer, who is the</p> <p>8 actual department, keeps that going, so yes.</p> <p>9 Q. Other than law enforcement agencies, who else, not just</p> <p>10 the general public, but who else uses your -- uses K-9</p> <p>11 services in their businesses?</p> <p>12 A. I also do hospital training, and I do private security</p> <p>13 training.</p> <p>14 Q. And how many hospitals are you currently affiliated</p> <p>15 with?</p> <p>16 A. I have 31 hospital teams at this moment.</p> <p>17 Q. Does that mean 31 different hospitals?</p> <p>18 A. No. That could mean that a hospital may have multiple</p> <p>19 teams.</p> <p>20 Q. Okay.</p> <p>21 A. But that's 31 teams total.</p> <p>22 Q. Okay. So break it down for me, if you would, how many</p> <p>23 hospital systems is K-9 providing service to. And if</p> <p>24 you can name those off for me.</p> <p>25 A. So I have Henry Ford, and Henry Ford has many different</p>	<p style="text-align: right;">Page 21</p> <p>1 Michigan that included Grand Rapids, Muskegon, those</p> <p>2 areas. And that's what I understood.</p> <p>3 Q. As they are expanding, ever expanding?</p> <p>4 A. Correct. They thanked me for my service, but they were</p> <p>5 going in this direction.</p> <p>6 Q. Does K-9 -- do you have a competitor, or have you</p> <p>7 pretty much cornered the market?</p> <p>8 A. No. There are other training academies or locations</p> <p>9 throughout Southeast Michigan. When I say there's not</p> <p>10 many, probably three or four.</p> <p>11 Q. Okay.</p> <p>12 A. Yeah.</p> <p>13 Q. Can you think of, because I can't as I'm sitting here,</p> <p>14 can you think of a hospital system other than Beaumont</p> <p>15 that is not doing business with K-9?</p> <p>16 A. Not that I'm aware of.</p> <p>17 Q. Okay. So fair to say you pretty much cornered that</p> <p>18 market at least?</p> <p>19 A. Well, I'm doing okay.</p> <p>20 Q. Congratulations. Congratulations.</p> <p>21 A. Thank you.</p> <p>22 Q. I'm glad. Same question as to the law enforcement. Are</p> <p>23 there many law enforcement agencies that don't utilize</p> <p>24 K-9's programs?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 22</p> <p>1 Q. Do they go through your competitors then?</p> <p>2 A. They do.</p> <p>3 Q. I see. What about corporate security companies that you</p> <p>4 mentioned?</p> <p>5 A. I don't have any corporate security companies right</p> <p>6 now. I've had a couple of private owned security</p> <p>7 companies come to us.</p> <p>8 Q. I think I misquoted you.</p> <p>9 A. That's fine.</p> <p>10 Q. You have companies or entities that are not law</p> <p>11 enforcement, and not hospital systems. How many of</p> <p>12 those types of relationships do you have?</p> <p>13 A. Four.</p> <p>14 Q. Okay. And who are they?</p> <p>15 A. Again, they're just private companies that do detection</p> <p>16 work for their own, you know, type of work, I guess.</p> <p>17 Q. Okay. And so there's just four of those?</p> <p>18 A. Yes.</p> <p>19 Q. It's not one entity that has four or five different</p> <p>20 teams?</p> <p>21 A. Correct, correct.</p> <p>22 Q. Okay. So with all of these people that you train both</p> <p>23 individual -- just let's not focus on the individual</p> <p>24 like someone like me that your wife and Ms. Bemis are</p> <p>25 training. Focus in only on the hospitals and the law</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Since you took over the business in the early 2000s,</p> <p>2 2002, I think you said, have you received, you know, as</p> <p>3 president of K-9, owner of K-9, any complaints</p> <p>4 regarding how dogs are being trained?</p> <p>5 A. Yes.</p> <p>6 Q. How many times has that happened? Ballpark it for me.</p> <p>7 A. Four or five.</p> <p>8 Q. Have you received complaints about how Mr. Wilkes works</p> <p>9 with dogs?</p> <p>10 A. No.</p> <p>11 Q. Have you received complaints about how Mr. Shippe</p> <p>12 works, did I say that right?</p> <p>13 A. No.</p> <p>14 Q. No. How about Mr. Kay?</p> <p>15 A. No.</p> <p>16 Q. Mr. Mack?</p> <p>17 A. No.</p> <p>18 Q. What is the basis of the complaints?</p> <p>19 A. The complaints that I received were from actual</p> <p>20 citizens who saw new handlers walking around their</p> <p>21 neighborhoods, and they didn't care for the corrections</p> <p>22 that they were giving on the training collar around the</p> <p>23 dog's neck. So they would call me and make their</p> <p>24 complaint that they felt that the person was abusing</p> <p>25 the dog.</p>
<p style="text-align: right;">Page 23</p> <p>1 enforcement agencies, how many dogs and dog handlers is</p> <p>2 K-9 working with as we sit here today?</p> <p>3 A. So we have 64 teams that are training out of the</p> <p>4 facility right now.</p> <p>5 Q. Okay. And that incorporates all of the --</p> <p>6 A. Correct.</p> <p>7 Q. -- hospitals and the law enforcement we just talked</p> <p>8 about?</p> <p>9 A. Yes.</p> <p>10 Q. So when you say 64 teams, how many dogs? Is that 64</p> <p>11 dogs?</p> <p>12 A. Yes, you're correct.</p> <p>13 Q. Okay.</p> <p>14 A. I'm sorry. I should have been specific to tell you a</p> <p>15 team is a handler and a dog.</p> <p>16 Q. I should have asked that question.</p> <p>17 A. That's okay.</p> <p>18 Q. Thank you for clarifying. So when handling that many,</p> <p>19 how many dogs and K-9 handlers do you average per week?</p> <p>20 A. Each of them have different maintenance schedules, so</p> <p>21 I'll have anywhere from 30 to 40 teams a week.</p> <p>22 Q. And because they're all on different maintenance</p> <p>23 schedules, it varies as to who's showing up in any</p> <p>24 particular week, right?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Okay. So these complaints are not about your trainers.</p> <p>2 They're complaints about the trainees, the handlers?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Have you had any complaints about Mr. Mack</p> <p>5 regarding his handling of dogs, or his training of the</p> <p>6 dogs?</p> <p>7 A. No.</p> <p>8 Q. With the trainers you have now, and the trainers that</p> <p>9 you've had previously, have there been any complaints</p> <p>10 about any of your trainers use of choke collars, or the</p> <p>11 way they have handled the dogs?</p> <p>12 A. No.</p> <p>13 Q. Have you received any notifications from the State of</p> <p>14 Michigan regarding allegations of cruelty to animals at</p> <p>15 your facility?</p> <p>16 A. No.</p> <p>17 Q. Is there a process or training course for new trainers</p> <p>18 and dogs?</p> <p>19 A. So the training course is actually the course that we</p> <p>20 put on from the beginning of the officer and through.</p> <p>21 And then if a handler wants to take what we call to the</p> <p>22 next level, they then start participating in assisting</p> <p>23 the trainers and master trainers at the facility. So</p> <p>24 they're learning the system even more, if you will, by</p> <p>25 assisting training and teaching other officers.</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q. What's the percentage, if you ballpark it, of handlers 2 who take that next step? 3 A. Well, I believe I have 13 or 14 trainers right now with 4 NAPCH from my group, and I have seven master trainers 5 from my group. 6 Q. And when you are referring to them as trainer or master 7 trainer, are they just functioning with their own dog 8 training their own dog? 9 A. No. Like I was explaining to you, they have taken this 10 to another level. 11 Q. Okay. 12 A. And assisting the teaching of other dogs. 13 Q. Oh, other dogs as well, not just -- I misinterpreted, 14 misunderstood. It's not just assisting with the 15 training of their own dog? 16 A. Correct. 17 Q. Okay. 18 A. That is correct. 19 Q. And other than, you know, just wanting to do that for 20 personal growth, or whatever motivates that person, is 21 there criteria that they need to fulfill to be accepted 22 into that position? 23 A. Yes, yes. 24 Q. And what is that? 25 A. So there is criteria that is laid out by NAPCH to</p>	<p style="text-align: right;">Page 28</p> <p>1 guidelines. 2 Q. Okay. 3 A. That's where I was telling you about the 16 hours of 4 maintenance. 5 Q. Right. 6 A. You know, and it mainly has to do with training and 7 continual training. And then, of course, there's laws 8 about use of force when it comes to a dog. And then 9 there's also criteria when it comes to search and 10 seizure when they can, when they cannot. So there are 11 laws, if you will. But, again, this was made by the 12 governing body, right. 13 Q. Right. So I must have worded my question awkwardly. 14 That's where I was headed. There's something upon which 15 you and your colleagues at NAPCH relied on to create 16 the regulations that govern your particular 17 organization, fair enough? 18 A. Fair enough, yes. 19 Q. You didn't just make it up like this is a good idea? 20 A. Correct, correct. 21 Q. There's laws, there's regulations, or there is 22 opinions, you know, from the Supreme Court and others? 23 A. Yes. 24 Q. As to what criteria you should meet? 25 A. That is correct. And it's always adjusting. As we</p>
<p style="text-align: right;">Page 27</p> <p>1 become a recognized trainer, and a recognized master 2 trainer. So there are guidelines on that. And I have 3 been following those guidelines before even NAPCH, so 4 they were kind of incorporated through that. 5 Q. Have they been taught to you, or where do those 6 guidelines come from? 7 A. Those guidelines come from the executive board who 8 makes the decision on guidelines when it comes to 9 trainers and master trainers, and then it's voted on by 10 the membership. 11 Q. Are there regulations, or laws, or hierarchy that NAPCH 12 relies on to create these expectations and these 13 guidelines? 14 A. There are no regulations or laws, but there are other 15 organizations. And we, of course, are involved with 16 other organizations, and follow what they do or do not 17 do, and incorporate that with our organization, too, if 18 it benefits the members. 19 Q. Does NAPCH have -- is there a hierarchy? Is there an 20 organization that NAPCH itself reports to? 21 A. No. 22 Q. That supervises NAPCH? 23 A. No. Other than, you know, the only governing is the 24 courts, meaning that the Supreme Court has made some 25 recommendations when it comes to working dog</p>	<p style="text-align: right;">Page 29</p> <p>1 know, times change. So when something changes, then we 2 have to make sure we're meeting that, and that the 3 officers follow with what has been changed. 4 Q. Does anyone -- is there an entity that audits you that 5 checks up to make sure that NAPCH is doing what you say 6 that they're doing, or is it a self audit? 7 A. It's a self audit. But there is a part where the court 8 will or will not recognize the organization. And NAPCH 9 is recognized. In giving a deposition on a case 10 involving one of our members to the appellate court, 11 the appellate court ruled that NAPCH would be 12 recognized as an organization, and took the testimony, 13 is a good way to put it. 14 Q. Is that a case that you were involved in as an expert 15 witness? 16 A. Correct. 17 Q. Okay. And what was the basis of that particular case? 18 A. It was a use of force case from a department, one of 19 our members, on a person. And they wanted -- before 20 they took my testimony, they wanted to be able to 21 recognize and establish the organization as being 22 recognizable, and they did. 23 Q. As part of your qualification as an expert, I assume? 24 A. Correct. 25 Q. Okay. And this was a citizen suing a law enforcement</p>

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<p style="text-align: right;">Page 30</p> <p>1 agency for excessive force?</p> <p>2 A. Correct.</p> <p>3 Q. With the use of a K-9?</p> <p>4 A. Correct.</p> <p>5 Q. Is that the majority of what your expert witness</p> <p>6 testimony is in cases like that, excessive force, or</p> <p>7 improper use of their K-9?</p> <p>8 A. That is a good portion of it, yes.</p> <p>9 Q. What else would there be?</p> <p>10 A. Well, there's always search and seizure issues, you</p> <p>11 know, whether or not you could use a dog, or can use</p> <p>12 the dog, those kind of things. And that's pretty much</p> <p>13 it, yeah.</p> <p>14 Q. At K-9, are there experienced trainers working with new</p> <p>15 dogs?</p> <p>16 A. Yes.</p> <p>17 Q. Are there new trainers working with experienced dogs?</p> <p>18 A. Yes.</p> <p>19 Q. Are there experienced trainers working with experienced</p> <p>20 dogs where they just happen to be new to each other?</p> <p>21 A. I don't believe they would be new to them, no. They</p> <p>22 probably know them.</p> <p>23 Q. Does the training course that you've talked about</p> <p>24 anticipate an end date, or can it just be -- or is that</p> <p>25 something that is elected by the handler or by his or</p>	<p style="text-align: right;">Page 32</p> <p>1 who don't come there. But it's just an office location</p> <p>2 is a way to put it.</p> <p>3 Q. Okay. When someone becomes a handler, a trainee, if</p> <p>4 you will, at K-9 with his or her dog, does that</p> <p>5 automatically make them a member of NAPCH?</p> <p>6 A. No.</p> <p>7 Q. Tell me the process, if I'm a new trainer for a law</p> <p>8 enforcement, and it's like, okay, take the dog and go</p> <p>9 over to K-9 and get trained. Is NAPCH even aware that I</p> <p>10 have shown up and, if so, how do I become a member of</p> <p>11 NAPCH, if I want to, by being a trainer handler at K-9?</p> <p>12 A. So with all the training facilities, including my own,</p> <p>13 NAPCH does not know somebody that's just starting out.</p> <p>14 In other words, part of our bylaws is is that once they</p> <p>15 have completed a training course and become a paid K-9</p> <p>16 handler, which means they are on the road with a dog,</p> <p>17 or utilizing the dog as a team, then they can become a</p> <p>18 NAPCH member, which they then fill out membership</p> <p>19 applications, pay the membership dues, and then they're</p> <p>20 a NAPCH member.</p> <p>21 Q. Is that by invitation, or by application, or how does</p> <p>22 that happen?</p> <p>23 A. It is by application.</p> <p>24 Q. And how long into someone's training does that</p> <p>25 typically happen where they --</p>
<p style="text-align: right;">Page 31</p> <p>1 her employer?</p> <p>2 A. So I'm trying to understand your question.</p> <p>3 Q. Let me reword it if you don't. I want to make sure you</p> <p>4 do. Does there come a time where you'll get a trainer</p> <p>5 and a dog. And unless you want to just hang around,</p> <p>6 you're done? You know, congratulation. You graduated.</p> <p>7 Go do your thing?</p> <p>8 A. So we don't make that decision, because the handler is</p> <p>9 not my customer, if you will. It's the law enforcement</p> <p>10 department or the hospital. Yes, we have brought up to</p> <p>11 my customers, if you will, if we're having an issue</p> <p>12 with a handler, or we think there's something that they</p> <p>13 should know, but they make the ultimate decision. I</p> <p>14 don't hire, fire, do anything like that with a handler.</p> <p>15 Q. K-9 and NAPCH are located at the same address, correct?</p> <p>16 A. Yes, they are.</p> <p>17 Q. Other than sharing the same address and the interest in</p> <p>18 K-9, is there more to the relationship between K-9 and</p> <p>19 NAPCH?</p> <p>20 A. No. They're two separate entities, if you will.</p> <p>21 Q. Okay.</p> <p>22 A. The board voted to have NAPCH at the K-9 building for a</p> <p>23 place to store their files. And some of the board</p> <p>24 members who live close enough can come there. There are</p> <p>25 some board members who live in Canada or other states</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Well, that's according to wherever they're training.</p> <p>2 For me, my course is three months in length.</p> <p>3 Q. Okay. I'm talking about, in particular, the training</p> <p>4 that Mr. Maul went through. Let's just focus there?</p> <p>5 A. Okay.</p> <p>6 Q. There's probably a lot of other different variables</p> <p>7 with other training opportunities. But if I, you know,</p> <p>8 if I'm coming from a hospital system like Mr. Maul did,</p> <p>9 and I'm already an employee of that hospital system,</p> <p>10 and I want to be, you know, a K-9 handler, K-9</p> <p>11 security, and they send me to K-9 -- there's too many</p> <p>12 K-9s in that sentence. They send me to your business,</p> <p>13 K-9, to get training, under normal circumstances, the</p> <p>14 best circumstances, how long do I have to train before</p> <p>15 I am eligible to become a NAPCH member?</p> <p>16 A. 16 weeks.</p> <p>17 Q. Okay. And other than attending the training, is there</p> <p>18 any kind of test or evaluation that I go through to</p> <p>19 qualify to possibly become a member of NAPCH?</p> <p>20 A. The only requirement in the bylaws of NAPCH is that you</p> <p>21 are a paid K-9 handler.</p> <p>22 Q. Okay. So let's assume that I am, I'm a paid K-9</p> <p>23 handler.</p> <p>24 A. If you put the application in, yes, you become a</p> <p>25 member.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. And once I become a member, am I assigned a 2 certification number?</p> <p>3 A. No.</p> <p>4 Q. Is there some sort of certificate that I'm awarded?</p> <p>5 A. So there is a certification that the handler can go 6 through. There are certification rules. There is 7 nothing in the bylaws that says a member has to 8 certify. But we do have certification available in the 9 organization, and we post all of the requirements for 10 each area that they would like to be certified in, and 11 they must pass in order to get that certification.</p> <p>12 Q. Okay.</p> <p>13 A. If they do that, and they do pass, then they get a 14 certification certificate.</p> <p>15 Q. Okay. And they're assigned a certification number, I 16 assume?</p> <p>17 A. The certificate has a number on it. That's not actually 18 their number. It's just the certificate number.</p> <p>19 Q. Okay. Where are the certificates maintained?</p> <p>20 A. At the Hayes Street office address.</p> <p>21 Q. But is it maintained by NAPCH or by K-9?</p> <p>22 A. NAPCH.</p> <p>23 Q. Okay. So is there a -- is there any retention at K-9 24 of the certificate that one might earn?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Correct.</p> <p>2 Q. Okay. The certification is NAPCH?</p> <p>3 A. Yes. And that is on the website. We do put everything 4 on our website so we're transparent.</p> <p>5 Q. I see. So tell me more, please, about the training 6 agenda notebook? Is that something that is provided by 7 K-9 to all trainees?</p> <p>8 A. Correct.</p> <p>9 Q. And in that notebook, it delineates the areas that one 10 would have to be successful in or qualify in in order 11 to get certification, correct?</p> <p>12 A. Correct. It's the entire training program.</p> <p>13 Q. Is a record kept, some sort of written record kept on 14 every trainee handler as to how they qualify for each 15 individual criteria?</p> <p>16 A. Each individual officer is provided a username and 17 password, as I have a program that assigns each officer 18 for training documentation.</p> <p>19 Q. And that's maintained at K-9?</p> <p>20 A. Yes.</p> <p>21 Q. And what is kept on that program other than -- go 22 ahead.</p> <p>23 A. There is --</p> <p>24 Q. You tell me instead of my guessing. It's easier.</p> <p>25 A. So we keep attendance of who's attending. Each officer,</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Okay. Is the employee, the trainee, the handler 2 provided with a copy of the certificate or 3 certification?</p> <p>4 A. Yes.</p> <p>5 Q. But there's also one on-site, correct?</p> <p>6 A. Just a copy, yes.</p> <p>7 Q. And you don't get that certification, if I understand 8 your testimony, unless you pass certain qualifying 9 markers, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And where are those delineated? Where are they 12 written? How would a trainee handler who aspires to 13 become the best handler that he or she can be, and get 14 a certification, is there a book? Is there a website? 15 Is there something that says these are the areas that 16 you have to pass before you get your certification?</p> <p>17 A. So there is a training agenda that the handlers are 18 provided in a book. They are provided a notebook, and 19 it has all of the areas of training and what would be 20 expected of them.</p> <p>21 Q. Okay. Is that found on the website, NAPCH website at 22 all?</p> <p>23 A. We're talking two different things now. NAPCH is 24 separate from K-9 Academy. You were asking K-9.</p> <p>25 Q. Okay. Fair enough. The training notebook is K-9?</p>	<p style="text-align: right;">Page 37</p> <p>1 each handler is assigned their own location in order to 2 do training reports, as training reports documentation 3 is very important to the courts. So we provide this 4 program to them to keep that. My master trainers, who 5 were instructing that particular day, will also put in 6 there the agenda for the day, what was done. And then 7 the officers have access to all of that.</p> <p>8 Q. So for each task or each element, we use it in legal 9 terms, that has to be accomplished in order to achieve 10 certification, is there some sort of evaluation or test 11 that they go through to say, okay, I passed the 12 explosives section. Who makes the determination how 13 they have accomplished that particular section?</p> <p>14 A. So the testing doesn't start until the end of the 15 course, okay?</p> <p>16 Q. At 16 weeks?</p> <p>17 A. 16 weeks. And then we have two master trainers who 18 conduct those testing.</p> <p>19 Q. Is it always the same ones?</p> <p>20 A. It is not always the same ones.</p> <p>21 Q. And how do they -- is it handling testing, or is it 22 paper testing? How is somebody tested?</p> <p>23 A. They are tested through each area that they have been 24 trained in. So the handlers are already aware of what 25 is going to be on this test. It's going to see where</p>

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<p style="text-align: right;">Page 38</p> <p>1 they are at, if they're able to accomplish after the 16</p> <p>2 weeks to perform what they were taught.</p> <p>3 Q. Okay. So it is performance, okay. Is there a paper</p> <p>4 test as well, a written test?</p> <p>5 A. No.</p> <p>6 Q. Do you recall how many sections, how many tasks have to</p> <p>7 be accomplished successfully in order to achieve</p> <p>8 certification?</p> <p>9 A. For law enforcement they have to complete seven. For</p> <p>10 hospitals, they have to complete four.</p> <p>11 Q. Okay. So just to summarize, just to make sure I</p> <p>12 understand. They can't do this until the end of 16</p> <p>13 weeks?</p> <p>14 A. Correct.</p> <p>15 Q. They have to finish 16 weeks. Then they have to work</p> <p>16 with trainers, and then prove themselves competent, if</p> <p>17 you're working with a hospital, in four different</p> <p>18 areas?</p> <p>19 A. Areas.</p> <p>20 Q. What are those four?</p> <p>21 A. So that would be obedience, aggression control,</p> <p>22 building search, and detection. I have some dogs that</p> <p>23 are narcotic detection dogs, and I have some dogs that</p> <p>24 are explosive detection dogs.</p> <p>25 Q. Okay. And once I as a trainee pass these four</p>	<p style="text-align: right;">Page 40</p> <p>1 done all these. Is there a way that NAPCH can say, no,</p> <p>2 we don't think so, or disagree with that evaluation?</p> <p>3 A. No.</p> <p>4 Q. Okay. Do you have trainers, handlers who just don't</p> <p>5 bother trying to become NAPCH members?</p> <p>6 A. I have not, because most of the customers that I have</p> <p>7 require them to also belong to NAPCH.</p> <p>8 Q. So that's an employer decision of, you know, you're</p> <p>9 going to go through this training, and you're going to,</p> <p>10 you know, achieve success?</p> <p>11 A. It's obviously better on their resume when they can</p> <p>12 show that they have two certifications instead of just</p> <p>13 one.</p> <p>14 Q. Sure. What do you mean two instead of just one?</p> <p>15 A. One from K-9 Academy, and one from NAPCH.</p> <p>16 Q. Okay. You indicated that NAPCH requires some kind of</p> <p>17 dues?</p> <p>18 A. Correct.</p> <p>19 Q. Who pays the dues?</p> <p>20 A. Either the customer or the handler. I have them both</p> <p>21 ways.</p> <p>22 Q. Okay.</p> <p>23 A. It doesn't matter to NAPCH where the money comes from.</p> <p>24 Q. As long as you get it, right? I get it. Is there a --</p> <p>25 you indicated you kept copies of NAPCH. Now we're</p>
<p style="text-align: right;">Page 39</p> <p>1 sections, and am entitled to certification, who</p> <p>2 notifies -- or, first of all, the people that are doing</p> <p>3 the training evaluation to make sure that I pass these</p> <p>4 four sections, they're K-9 trainers, right?</p> <p>5 A. Correct.</p> <p>6 Q. How does it then get -- how does NAPCH then get</p> <p>7 notified that Teri Gorman has passed all of these</p> <p>8 sections, she's completed her 16 weeks, and she's</p> <p>9 deserving of certification at NAPCH?</p> <p>10 A. So the only thing that NAPCH is notified of is that</p> <p>11 they are a paid K-9 handler, and they've completed a</p> <p>12 program.</p> <p>13 Q. Okay.</p> <p>14 A. Okay. Once that's done, then a master trainer from</p> <p>15 NAPCH will perform the certification, if that's what</p> <p>16 they want.</p> <p>17 Q. Right.</p> <p>18 A. Okay.</p> <p>19 Q. Is there ever a time that you can recall where NAPCH</p> <p>20 has said no?</p> <p>21 A. You mean failed?</p> <p>22 Q. No. Where NAPCH has said no to somebody who has done</p> <p>23 what I just said I did. I took these four. I passed</p> <p>24 all these sections, and I was there 16 weeks, and the</p> <p>25 person training me and testing me says, yeah, Gorman's</p>	<p style="text-align: right;">Page 41</p> <p>1 going to talk NAPCH.</p> <p>2 A. Okay.</p> <p>3 Q. Put on a turn signal. You indicated that you at NAPCH</p> <p>4 keep a copy of the certification on file?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Is there a written list of people that are</p> <p>7 certified handlers, people that have the certification</p> <p>8 and are NAPCH members?</p> <p>9 A. Yes.</p> <p>10 Q. And where would one find that?</p> <p>11 A. That is on the website under membership.</p> <p>12 Q. Okay.</p> <p>13 A. I believe there's close to 1,800 members right now.</p> <p>14 Q. Okay. Is there a situation where the employer, the</p> <p>15 Beaumont or the law enforcement agency is not insistent</p> <p>16 upon the trainer receiving the certification or</p> <p>17 becoming a member of NAPCH?</p> <p>18 A. I've never heard of an employer insisting they do not.</p> <p>19 Q. Okay. Well, or not requiring it, let's call it that. I</p> <p>20 mean, can a person work as a K-9 handler, having gone</p> <p>21 through your training, and working as a K-9 handler</p> <p>22 without being certified or a member of NAPCH?</p> <p>23 A. Yes, they can.</p> <p>24 Q. Does that happen very often, to your knowledge?</p> <p>25 A. No.</p>

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<p style="text-align: right;">Page 42</p> <p>1 Q. But, to your knowledge, there's not a regulation, or a 2 law, or something that says you've got to be certified 3 before you can do this out in public? 4 A. There is not. 5 Q. Should there be? 6 A. Yes. 7 Q. The way you said that I had to ask that follow up. 8 A. The one thing that the courts always rely on, if you 9 will, is the actual training. Certification's brought 10 up every now and then by the court, but they want to 11 know about the training and the continual training. 12 Q. Sure. 13 A. So that gets brought up a lot. 14 Q. Once the trainee handler receives certification and 15 becomes a NAPCH member, is the employer, the hospital, 16 the law enforcement agency, informed by NAPCH that that 17 has occurred, or is that just up to the handler to -- 18 A. That is up to the handler to notify their employer. 19 Q. There's not a letter that you send out or anything to 20 your client saying, by the way, Teri Gorman has passed 21 certification, and is now certified and a NAPCH member, 22 too? 23 A. No, because NAPCH only requires a person to be a paid 24 dog handler. It doesn't care -- they're not certifying 25 the company. They're certifying the officer and the</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Are these communications documented? I mean, are they 2 written, or is it all by phone? What kind of 3 communication are we talking about? 4 A. So all of the above, it may be documented if there was 5 some sort of issue that we needed to address. 6 Q. Okay. 7 A. If it's just a normal conversation that the handler's 8 doing fine, we're moving forward, those aren't 9 documented. 10 Q. Are they diaried anywhere? 11 A. They're put on their training on the training reports. 12 Q. Okay. So if I'm doing the training, and I've 13 accomplished all these tasks that we talked about, 14 somebody from K-9 is going to contact my employer and 15 say Teri Gorman is now certified? 16 A. Correct. 17 Q. In some means of communication? 18 A. Yes. 19 Q. And when they make that communication with the person, 20 vice president of training or whatever the person's 21 title is at my employer, is it noted in my file, my 22 record? 23 A. Well, the certification would be. 24 Q. No, the certification is, but I'm talking about the 25 communication with my boss, with the employer.</p>
<p style="text-align: right;">Page 43</p> <p>1 dog. 2 Q. Okay. So let me make the question regarding K-9. Once, 3 you know, I pass this criteria, and I'm going to have 4 my certification issued by NAPCH, does K-9 talk to or 5 inform in whatever means the employer that their 6 handler has reached these goals? 7 A. Yes. We keep in constant contact with the employer 8 during the training phase. 9 Q. And what means of communication do you use with 10 employers? 11 A. We are usually provided somebody that's in charge. 12 There may be a K-9 coordinator. They may be a 13 lieutenant, so on and so forth, and we keep in touch 14 with them to let them know progress, if there's any 15 problems, what we may be working on, those kind of 16 things. We also will set parameters for what the team 17 can and cannot do away from the facility during the 18 training for liability purposes. 19 Q. Sure. 20 A. So we are in constant contact, if you will. 21 Q. When you say we, are you talking yourself? Are you 22 talking trainer? 23 A. Most of the time it's myself, but my trainers do talk 24 with certain people. They even come to the facility to 25 watch their handler, and will talk to them, too.</p>	<p style="text-align: right;">Page 45</p> <p>1 A. No. That's not documented. But a lot of times the 2 employer wants to know, because they want to be present 3 the day they receive their certificate. Some do photo 4 ops, those kind of things. But it's not documented that 5 they were there, or when we presented the certificate, 6 or anything like that. 7 Q. So do you have -- even if it's just -- is there -- 8 strike that. Let's start over with this question, 9 because I'm going in 14 directions. 10 During this first 16 weeks, for example, is 11 there a reporting system between K-9 and the employer 12 saying, this is how she's doing. This is what we've 13 accomplished. Everything's going well. Or in the 14 reverse, the opposite, you know, we have some issues 15 here. We have problems here? 16 A. Yes. 17 Q. There's that kind of communication, correct? 18 A. There is that kind of communication. 19 Q. Is that kind of communication documented? 20 A. Yes. 21 Q. Where would I find that kind of documentation? 22 A. In their training reports. 23 Q. Okay. And when you say their training reports, are you 24 talking -- 25 A. The handler's. I'm sorry.</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q. Okay. In my individual --</p> <p>2 A. Each individual.</p> <p>3 Q. Okay. And is that what you were talking about earlier</p> <p>4 that file that's on me someplace?</p> <p>5 A. That is correct.</p> <p>6 Q. And that's maintained where?</p> <p>7 A. Two ways. First way is on the computer. I have a</p> <p>8 program, and it is retained there. And then also we</p> <p>9 tell the handlers and whoever's in charge that they can</p> <p>10 also go on that site and make copies of those training</p> <p>11 reports.</p> <p>12 Q. In this litigation, in Mr. Maul's litigation, have you</p> <p>13 personally gone back or gone into the training reports</p> <p>14 to see what's in his file?</p> <p>15 A. When this litigation started, I did go into his reports</p> <p>16 to see what was there, yes.</p> <p>17 Q. Have you made copies of what's there?</p> <p>18 A. I did not make copies. I believe Mr. Wilkes made some</p> <p>19 copies.</p> <p>20 Q. Some copies, or copies of the entire file?</p> <p>21 A. I'm not entirely sure. You have to ask Mark.</p> <p>22 Q. Will you agree with me that Mr. Maul achieved</p> <p>23 certification?</p> <p>24 A. Yes.</p> <p>25 Q. Has there ever been an instance at K-9 and NAPCH,</p>	<p style="text-align: right;">Page 48</p> <p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 A. If you've been a member in good standing, and you</p> <p>4 retire in good standing, you can remain a member.</p> <p>5 Q. Okay. What if I'm in good standing, but I just don't</p> <p>6 feel like doing it for a while, and I leave the job</p> <p>7 and, you know, go sell T-shirts someplace, and decide</p> <p>8 to come back later, do I have to start all over?</p> <p>9 A. Yes. You would renew your membership at that point. But</p> <p>10 when you're not a paid K-9 handler, you're not a</p> <p>11 member.</p> <p>12 Q. So you're not going to be on that list on the website?</p> <p>13 A. Correct.</p> <p>14 Q. Are you aware of anybody who's listed on your website,</p> <p>15 on the NAPCH website right now that is not actively a</p> <p>16 paid handler employee, but still is on the list?</p> <p>17 A. So there is members on the list that may have retired</p> <p>18 in good standing as a K-9 handler who would be on the</p> <p>19 list.</p> <p>20 Q. You keep saying good standing. What do you mean,</p> <p>21 please?</p> <p>22 A. So I have had members who were charged criminally, and</p> <p>23 they're not removed immediately. But if they are fired</p> <p>24 or convicted, they are then not in good standing.</p> <p>25 Q. What about someone who just leaves their employment,</p>
<p style="text-align: right;">Page 47</p> <p>1 frankly, where a certification has been revoked?</p> <p>2 A. Yes.</p> <p>3 Q. And how many times has that happened in the history of</p> <p>4 your ownership or working with K-9 or NAPCH?</p> <p>5 A. It has happened, well, geez, when you're putting a</p> <p>6 number on it, 40, 50 times.</p> <p>7 Q. And that revocation, those revocations could come from</p> <p>8 NAPCH, correct?</p> <p>9 A. So --</p> <p>10 Q. Your certification?</p> <p>11 A. There's two certifications. The NAPCH certification.</p> <p>12 If they're no longer a paid K-9 handler, they cannot be</p> <p>13 a member.</p> <p>14 Q. Okay.</p> <p>15 A. That's in the bylaws. If they left their department not</p> <p>16 in good standing, they could lose their certification.</p> <p>17 That's NAPCH now.</p> <p>18 Q. Okay. So let's take those one at a time. NAPCH</p> <p>19 membership is only for active handlers. Is that what</p> <p>20 you said?</p> <p>21 A. It's for paid K-9 handlers, correct.</p> <p>22 Q. So I have to be employed?</p> <p>23 A. In order to become a NAPCH member.</p> <p>24 Q. And to maintain NAPCH membership, do I have to be</p> <p>25 employed?</p>	<p style="text-align: right;">Page 49</p> <p>1 isn't fired, hasn't done anything criminal, but leaves</p> <p>2 their employment, would that be a threat to their good</p> <p>3 standing?</p> <p>4 A. It is not a threat to their good standing. It's just</p> <p>5 that they're not a paid K-9 handler, and they did not</p> <p>6 retire as a K-9 handler. They just left.</p> <p>7 Q. Okay.</p> <p>8 A. So they, according to our bylaws, are not allowed to be</p> <p>9 a member.</p> <p>10 Q. So when you say retired, you're actually talking giving</p> <p>11 it up, retiring as you did with being the law</p> <p>12 enforcement?</p> <p>13 A. Correct.</p> <p>14 Q. Or as my children keep inferring me to do with law, and</p> <p>15 I haven't done it yet. But you mean you're talking</p> <p>16 retirement as a term of art?</p> <p>17 A. Correct.</p> <p>18 Q. So is it your testimony that somebody who was working</p> <p>19 at a law enforcement agency decided they don't want to</p> <p>20 be a police officer any more, and wants to go work</p> <p>21 someplace else and leaves, you know, on good terms with</p> <p>22 the entity, but haven't retired from law enforcement.</p> <p>23 They've just left that particular job, they don't get</p> <p>24 to be on the membership log any more?</p> <p>25 A. That is correct.</p>

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<p style="text-align: right;">Page 50</p> <p>1 Q. How long did K-9 enjoy a relationship with Beaumont, 2 how many years? 3 A. 10, eight to 10. 4 Q. Did you at Beaumont have a particular contact person 5 that you dealt with relative to the K-9 handling? 6 A. Yes. 7 Q. Who was that? 8 A. Whitney Guerber. 9 Q. We talked about this a little bit, but I want to get 10 clarification. In talking specifically about Mr. Maul 11 now, who we agreed became a certified handler? 12 A. Yes. 13 Q. Did Beaumont have any input on whether or not he was 14 worthy of certification? 15 A. I can't answer that. I don't know. 16 Q. Under normal circumstances, would they have any input 17 in general terms? 18 A. I'm trying to understand what you're saying. If he 19 wasn't worthy, I would have thought they would remove 20 him as a handler, so I don't know where to go from 21 there. 22 Q. Is it a fair assumption that when Mr. Maul became 23 certified with K-9, that Beaumont approved it? 24 A. Correct. 25 Q. Does the employer have any input as to whether a K-9</p>	<p style="text-align: right;">Page 52</p> <p>1 A. No. 2 Q. Did you personally witness Mr. Maul while he was 3 training at K-9? 4 A. Yes. 5 Q. If one of your trainers has a concern about the 6 qualifications, or the skill, or anything that's going 7 on with a particular handler, do they communicate that 8 to you in writing? 9 A. They communicate it to me, and then it's documented on 10 the training report. 11 Q. So is it fair to say that any kind of concerns that 12 someone would possibly have regarding anybody who's 13 training at K-9 is going to be documented on the 14 training report? Is that the bible? I mean, is that 15 where everything about that particular trainee is going 16 to be found? 17 A. Correct. 18 Q. Is there any other recordkeeping other than the 19 training report? 20 A. No. 21 Q. Did you personally ever have any conversation with 22 Whitney Guerber or anybody else at Beaumont Dearborn 23 specifically regarding Mr. Maul? 24 A. Yes. 25 Q. How many times?</p>
<p style="text-align: right;">Page 51</p> <p>1 handler retains that certification that he or she got 2 from NAPCH, or is it just if the person's no longer 3 working there then there goes the NAPCH certification? 4 A. Correct. If no longer being a paid K-9 handler, they 5 are no longer a member. 6 Q. Do you recall personally meeting Tyler Maul? 7 A. Yes. 8 Q. How many times do you think you've interacted with him? 9 A. I've seen him -- every week I would see him during his 10 training. Other than saying hello or, you know, those 11 kind of things, that was pretty much it. But every week 12 I would see him. 13 Q. Do you know all of the handlers? I mean, do you make 14 it a point? 15 A. Yes. 16 Q. To know them? 17 A. Yes. 18 Q. You have a lot of people coming and going. 19 A. Yes. 20 Q. So you do make a point to know who they are? 21 A. Correct. 22 Q. And where they're from? 23 A. Yes. 24 Q. Did you personally one-on-one ever provide K-9 handling 25 to Mr. Maul?</p>	<p style="text-align: right;">Page 53</p> <p>1 A. I would say at least a half a dozen. 2 Q. And were all of those conversations with Whitney 3 Guerber? 4 A. Yes. 5 Q. Were all of those conversations exclusively with 6 Whitney Guerber? 7 A. Yes. 8 Q. Were they all by phone? 9 A. No. Each time was in person. 10 Q. Where? 11 A. At K-9. She attended many, many days. 12 Q. Okay. Did you take any notes or create any kind of, you 13 know, record regarding those six, half a dozen 14 conversations? 15 A. I did not personally, no. 16 Q. To your knowledge, to your recollection, did she? 17 A. I can't speak for her. 18 Q. Was she taking notes when you were talking to her? 19 A. No, she was not. 20 Q. I know you don't know what she did later. I get that. 21 A. Yeah. 22 Q. Did you diary any of it other than, you know, just what 23 you may have put in the training record? 24 A. The concerns that I brought to her was what the master 25 trainers had brought to me, and they had also talked to</p>

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1 her. So this was nothing more than just my knowledge
 2 going to her that I knew this was some issues that were
 3 going on.
 4 Q. I'm focusing, as best I can, on written documentation,
 5 because it's been minimal in this case, to say the
 6 least. Was there any writing that you received from
 7 your trainers or you received from Ms. Guerber that
 8 isn't reflected in the training reports? Are there any
 9 freestanding text messages, or emails, or notes that
 10 memorialize or creates some sorts of file regarding
 11 concerns, anybody's concerns? You know, the trainers,
 12 or Ms. Guerber, or anybody at Beaumont, anybody in the
 13 world about Mr. Maul?
 14 A. The only documentation that I'm aware of is the ones
 15 that when the master trainers came to me with their
 16 concerns, I would tell them to document it on the
 17 training report. That's it.
 18 Q. Did you personally witness Mr. Maul working with his
 19 dog, his K-9 at Beaumont?
 20 A. No.
 21 Q. Did you review any documents in preparation for your
 22 dep today?
 23 A. Yes.
 24 Q. What did you review?
 25 A. I reviewed the depositions that have been completed so

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1 far.
 2 Q. Of Mr. Maul?
 3 A. Correct.
 4 Q. Any other documents?
 5 A. I did tell you I did go in on the training reports to
 6 take a brief look.
 7 Q. Was that in preparing for the deposition?
 8 A. No, I had done that prior before.
 9 Q. But you didn't go back and revisit it?
 10 A. No.
 11 Q. Any other documents other than Mr. Maul's deposition?
 12 A. No.
 13 Q. Have you seen the complaint filed in this matter?
 14 A. Yes.
 15 Q. Did you review that in preparation for your dep?
 16 A. I did.
 17 Q. What about any discovery or written discovery from Mr.
 18 Maul, Answers to Interrogatories or initial
 19 disclosures, those types of things, court documents in
 20 this case?
 21 A. Yes, I did answer all those.
 22 Q. Not answer.
 23 A. Oh.
 24 Q. I'm asking what you reviewed to prepare for today.
 25 A. Oh, okay.

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1 Q. Mr. Maul with the assistance of Ms. Croson and me
 2 provided documents and Answers to Interrogatories, and
 3 initial disclosures, an official document that we have
 4 do through the court system. Did you review those?
 5 A. Yes.
 6 Q. Other than conversations with Mr. Fett, and/or
 7 conversations where -- any conversation where Mr. Fett
 8 is present, have you talked about this matter with
 9 anybody else?
 10 A. No. Can I back up on that?
 11 Q. Of course.
 12 A. I talked with my wife.
 13 Q. Well, I would hope so.
 14 A. Don't want to make it sound like I didn't keep her in
 15 the loop.
 16 Q. No. I understand. I understand.
 17 A. Okay.
 18 Q. I mean, has there been occasions where you and Mr. Mack
 19 and Mr. Wilkes, just the three of you, have talked
 20 about this litigation and how you're going to handle
 21 it, and how you're going to handle depositions?
 22 A. I didn't have to talk about how to handle depositions,
 23 or anything like that. Have we talked about the case
 24 ongoing, yes. But other than that, nothing else.
 25 DEPOSITION EXHIBIT 1

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1 Defendant K-9 Academy Training Facility,
 2 LLC's Responses to Plaintiff's First
 3 Interrogatories
 4 11:20 a.m.
 5 BY MS. GORMAN:
 6 Q. Mr. Foley, I've handed you what's been marked as
 7 Exhibit 1. Exhibit 1 presents as Defendant K-9 Academy
 8 Training Facility, LLC's Responses to Plaintiff's First
 9 Interrogatories. Would you take a moment to look
 10 through it.
 11 A. Yes. I have seen this document.
 12 Q. Okay. Well, that answers my next question. Have you
 13 seen this document, yes, you have. All right.
 14 A. Yes.
 15 Q. Did you provide the answers that are bolded throughout
 16 this document?
 17 A. Yes.
 18 Q. Okay. So number one is correct when it says that
 19 you're the one who answered these?
 20 A. Correct.
 21 Q. Did you review these before they were provided to
 22 Ms. Croson and myself?
 23 A. Yes. I received them, and they were blank, and then
 24 I -- after going over it, I went back and I made the
 25 answers.

15 (Pages 54 - 57)

<p style="text-align: right;">Page 58</p> <p>1 Q. Once they were typed up, and the document itself was 2 created, did you review it?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. If you look at the back page, it has a line for 5 your signature, but no signature. Have you ever signed 6 these documents or this document?</p> <p>7 A. Yes. I signed it, and sent it back.</p> <p>8 MS. GORMAN: Can I get a copy of that, Jim?</p> <p>9 I don't think I received it.</p> <p>10 MR. FETT: Okay. Yeah.</p> <p>11 BY MS. GORMAN:</p> <p>12 Q. I want you to take a close look at your answers. My 13 next question, and keep my next question in mind is, 14 you know, as you sit here today, are these answers true 15 and accurate? Is there anything you want to change in 16 them?</p> <p>17 A. No.</p> <p>18 Q. If you look at question number three -- let me back up. 19 Question number two, the question, Have you or your 20 attorney, or anyone acting on your behalf obtained any 21 statements in any form from any persons regarding any 22 of the events or happenings referred to in this matter. 23 And you say no. Is that answer true today?</p> <p>24 A. Correct.</p> <p>25 Q. You have no affidavits or statements, written</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. I'd appreciate that. Thank you.</p> <p>2 A. No problem.</p> <p>3 Q. Number 10 I asked for witnesses, and what you 4 anticipate their testimony being. There is a witness 5 list, so I won't go over all of that with you. But you 6 say each will testify to training the plaintiff, and 7 documenting same. One final time, is there any other 8 kind of documentation to which you are referring when 9 you say documenting same other than the training 10 record?</p> <p>11 A. No.</p> <p>12 Q. Okay. With the training record, have you provided that 13 to Mr. Fett?</p> <p>14 A. Yes.</p> <p>15 Q. Would you please do so again so I can make sure I get a 16 copy?</p> <p>17 MR. FETT: I provided a copy of that.</p> <p>18 MS. GORMAN: We got a copy of the whole 19 training record?</p> <p>20 MR. FETT: All that we could find. And your 21 client has some, too. But I gave you everything we 22 have.</p> <p>23 MS. GORMAN: Okay. That gets to a question I 24 have later.</p> <p>25 BY MS. GORMAN:</p>
<p style="text-align: right;">Page 59</p> <p>1 statements from anyone?</p> <p>2 A. No.</p> <p>3 Q. Okay. Paragraph three we've already talked about, so I 4 don't have to go over that. Four, have you told me 5 everything about the application and hiring process 6 that you used when hiring Mr. Mack?</p> <p>7 A. Yes.</p> <p>8 Q. Did you subject him to, or was he subjected to any kind 9 of drug testing, or background checks, or anything like 10 that, or did you just base your decision on the years 11 that you've known him?</p> <p>12 A. Personal knowledge, correct.</p> <p>13 Q. Same with Mr. Wilkes?</p> <p>14 A. Correct.</p> <p>15 Q. Paragraph 8, this goes to some of the questions I asked 16 today. State whether there's protocols, procedures, 17 guidelines, etc., and you say a full service curriculum 18 to follow.</p> <p>19 A. Yes.</p> <p>20 Q. Have you provided that to Mr. Fett?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And you provided that to us? I would ask that 23 you make sure you provide one to Mr. Fett, because I 24 don't have it.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Paragraph number 11 asked about expert witnesses. It 2 wasn't answered here. To your knowledge, Mr. Foley, has 3 an expert witness been retained in this matter?</p> <p>4 A. No.</p> <p>5 Q. Do you anticipate hiring somebody like yourself for any 6 reason in this matter?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 A. I don't know how I missed that. I'm sorry.</p> <p>10 Q. That's okay. It happens all the time. 12, 13, I asked 11 about Mr. Maul's certification that we talked at length 12 about today, and you tell me that it was not revoked. 13 Is it your understanding he still has an active 14 certification?</p> <p>15 A. He does not today.</p> <p>16 Q. Why is that? If it wasn't revoked, how does he not 17 have it?</p> <p>18 A. Are you talking about K-9 Academy now?</p> <p>19 Q. Plaintiff's K-9 certification, the one -- or, no, the 20 certification that NAPCH issued to him.</p> <p>21 A. That was a separate question.</p> <p>22 Q. Let's answer it for both organizations then.</p> <p>23 A. K-9 certification says right on the certification that 24 as long as a member in good standing with their 25 department.</p>

16 (Pages 58 - 61)

<p style="text-align: right;">Page 62</p> <p>1 Q. Okay.</p> <p>2 A. I did not revoke it. NAPCH revoked his certification</p> <p>3 because he was no longer a paid K-9 handler. Does that</p> <p>4 answer your question?</p> <p>5 Q. It does. It does.</p> <p>6 A. Okay.</p> <p>7 Q. So if Mr. Maul were to apply and be accepted and be</p> <p>8 hired at McLaren, for example, one of your -- one of</p> <p>9 the hospital systems that you work with, right?</p> <p>10 A. Yes.</p> <p>11 Q. If he got a job with McLaren as a K-9 handler, would he</p> <p>12 be entitled to reinstate his revocation or his</p> <p>13 certification, both certifications?</p> <p>14 A. He would not be able to. K-9 was not revoked. K-9</p> <p>15 Academy was -- it's no longer valid because he no</p> <p>16 longer trains at the facility.</p> <p>17 Q. Okay.</p> <p>18 A. So that NAPCH, if he becomes a paid K-9 handler at some</p> <p>19 other location, then he can become a NAPCH member</p> <p>20 again.</p> <p>21 Q. Okay.</p> <p>22 A. His certification won't go away.</p> <p>23 Q. Okay. All right. That's good to know.</p> <p>24 A. It's only valid for so long anyways. That's in our</p> <p>25 bylaws.</p>	<p style="text-align: right;">Page 64</p> <p>1 A. In other words, Tyler can't come in and say, hey, I</p> <p>2 want to train here.</p> <p>3 Q. I understand that.</p> <p>4 A. It has to be sponsored, whether it's through a private</p> <p>5 company, or through another department.</p> <p>6 Q. Okay. So he's not banned from future training</p> <p>7 opportunities at K-9?</p> <p>8 A. He is not banned.</p> <p>9 Q. 14, state specific reasons why plaintiff was terminated</p> <p>10 from participating in the training provided by</p> <p>11 defendants. And you say Beaumont Health made the</p> <p>12 decision. Is there any documentation separate from the</p> <p>13 training file that you have regarding Beaumont</p> <p>14 allegedly making the decision that he cease</p> <p>15 participating in the training program offered by K-9?</p> <p>16 A. No.</p> <p>17 Q. Do you recall ever receiving an email, a text message,</p> <p>18 a letter from Wendy Guerber or anybody at Beaumont</p> <p>19 saying, just to let you know, Tyler Maul won't be</p> <p>20 training with the organization any more?</p> <p>21 A. Whitney Guerber personally just called me on the</p> <p>22 telephone and told me that.</p> <p>23 Q. When did she do that?</p> <p>24 A. I don't know the exact date.</p> <p>25 Q. Was there any other conversations you had with Wendy</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. I understand. Would K-9, the K-9 certification that you</p> <p>2 say is no longer valid, I don't want to play a game</p> <p>3 with semantics, but he has an invalid certification now</p> <p>4 as opposed to a revoked certification?</p> <p>5 A. He no longer holds his certification from K-9 Academy.</p> <p>6 Q. How is this different than having it revoked?</p> <p>7 A. Well, because it wasn't that we took it away from him.</p> <p>8 It was part of the agreement on the certification</p> <p>9 itself. So he no longer meets that, so he doesn't have</p> <p>10 that certification in his possession, but the</p> <p>11 certification he did complete it.</p> <p>12 Q. Right.</p> <p>13 A. So it was there.</p> <p>14 Q. So if he -- if he gets a job someplace as a K-9</p> <p>15 handler, will that validate his certification, K-9</p> <p>16 certification?</p> <p>17 A. No.</p> <p>18 Q. Why?</p> <p>19 A. Because he does not train at the facility any longer.</p> <p>20 Q. What if he did?</p> <p>21 A. If he did, then yes.</p> <p>22 Q. Is he allowed to train at the facility?</p> <p>23 A. If he is employed by somebody who wants to train at my</p> <p>24 facility, yes.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 65</p> <p>1 Guerber where you discussed complaints that Tyler Maul</p> <p>2 had made regarding what he believed to be cruel</p> <p>3 treatment of Lincoln by Danny Mack?</p> <p>4 A. No.</p> <p>5 Q. Was that ever discussed with you?</p> <p>6 A. That was never discussed with me.</p> <p>7 Q. Had you ever heard anything about those allegations</p> <p>8 prior to seeing it in our complaint?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Tell me how you learned of those allegations?</p> <p>11 A. I received a telephone call from a vet.</p> <p>12 Q. At Cahill?</p> <p>13 A. Cahill did call, but actually the first one that called</p> <p>14 was Woodhaven Animal Clinic.</p> <p>15 Q. Okay.</p> <p>16 A. Dr. Greear.</p> <p>17 Q. Dr. Greear?</p> <p>18 A. Yep.</p> <p>19 Q. And what did Dr. Greear call you about?</p> <p>20 A. Asked if I knew this person, Tyler Maul, was into their</p> <p>21 vet office claiming that his dog was electrocuted.</p> <p>22 Q. Okay. Did they examine the dog?</p> <p>23 A. I don't know. You have to ask them.</p> <p>24 Q. I will.</p> <p>25 A. Yeah, I don't know.</p>

17 (Pages 62 - 65)

<p style="text-align: right;">Page 66</p> <p>1 Q. This is the first I've heard of them. Tell me what you 2 recall of that conversation with Dr. Greear, please. 3 A. Well, Dr. Greear is known from the past. 4 Q. You know him personally? 5 A. Her. 6 Q. Her, okay. Shame on me for making that assumption. 7 A. No, no. And she said, I can't believe none of this went 8 on, you know, because she knows us. And I said okay. 9 None of this stuff happened. I don't know. And she 10 goes, well, I just want to let you know that he was 11 here, and I said fine. 12 Q. Okay. Did she give you any indication of having seen 13 the dog or checked the dog out? 14 A. Well, I know that he and the dog came there, so I don't 15 know if they actually evaluated the dog, went over the 16 dog. 17 Q. You didn't talk about it? 18 A. She didn't talk nothing about that, and I didn't ask. 19 Q. Well, sure. Okay. Anybody else? Any other way that 20 issue was raised? 21 A. I was then notified by the Woodhaven Police Department, 22 a commander, who called me and said that the mayor came 23 to him about allegations of electrocuting the dog, and 24 about the dog. 25 Q. All right.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. How close in time was the call from the animal clinic 2 and the police department? 3 A. Within a day. 4 Q. Okay. Other than denying, flat out denying that that 5 happened at your at K-9 facility, did you talk to Mr. 6 Mack about the accusations? 7 A. No. 8 Q. Did you investigate? Did you look at the dog yourself? 9 A. I did not see the dog myself, no. 10 Q. Did you talk to anybody at K-9, you know, hey, I got 11 this phone call. I mean, did you just flat out deny it 12 and drop it, or did you take any other action? 13 A. After receiving those calls, I then talked to Whitney 14 Guerber and said, hey, letting you know I received 15 these phone calls. And then, yes, it was communicated 16 to Mr. Wilkes and Mr. Mack at that point. 17 Q. Okay. When you talked to Ms. Guerber, did she indicate 18 that she already knew about the accusations? 19 A. She did. 20 Q. Can you approximate the length of time between your 21 conversations with the folks in Woodhaven and your 22 conversation with Whitney, your conversations with Mr. 23 Mack and Mr. Wilkes, how much time elapsed between 24 those and Mr. Maul severing his relationship with K-9, 25 or the relationship being severed?</p>
<p style="text-align: right;">Page 67</p> <p>1 A. And I said to him, you know, Tyler was a handler here, 2 and I'm aware of these accusations, but they did not 3 happen. And I left it at that. I didn't discuss 4 anything further with him. 5 Q. Which came first, the animal clinic or the police 6 department? 7 A. The clinic. Dr. Greear came first, and then the 8 commander called me and said the mayor had been in 9 touch with him. 10 Q. And is it true that both of these calls came in while 11 Tyler was still actively working as a handler trainer? 12 A. No, he was not active at that point, from what I was 13 understanding. He was off ill, or something of that 14 nature, at the time. 15 Q. He may have been ill, but his relationship with K-9 and 16 Beaumont frankly at that time had not been severed, 17 correct? 18 A. Correct. 19 Q. So this is pre cutting him loose before he leaves 20 Beaumont before he is no longer coming to your entity? 21 A. Yes, that's correct, yes. 22 Q. Do you know approximately how much longer K-9's 23 relationship with Tyler lasted after this? 24 A. I don't have an exact timeframe. I know it was a few 25 more weeks.</p>	<p style="text-align: right;">Page 69</p> <p>1 A. Again, I think that was probably three, four weeks 2 after that they severed it. 3 Q. Okay. Were you aware of a meeting on August 16th, 4 2023, '22? Where are we, '22, with Mr. Mack, Mr. 5 Wilkes, Ms. Guerber and Mr. Maul? 6 A. Yes. 7 Q. Did you attend that? 8 A. I did not. 9 Q. Did you request that it be convened? 10 A. I believe that was actually brought on by Whitney. 11 Q. Have you heard the recording from that meeting? 12 A. I have. 13 Q. Did listening to that recording result in any concerns 14 on your part regarding the way Mr. Mack and/or Mr. 15 Wilkes dealt with Mr. Maul in the meeting? 16 A. No, I thought it was quite professional. 17 Q. Okay. Looking at 17 on the next to last page, we asked 18 state the substance of all discussions that any 19 defendant K-9 Academy Training Facility, LLC owner, 20 employee, independent contractor, had with any employee 21 of Beaumont Hospital Dearborn regarding the claims 22 alleged by plaintiff in his complaint. State when and 23 where each discussion took place, and identify all 24 persons who were present. And your answer is not 25 applicable. Would you like to modify that?</p>

18 (Pages 66 - 69)

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1 A. I think I answered that because this was in reference
 2 to the plaintiff of his complaint.
 3 Q. Yeah, regarding the claims alleged by plaintiff in this
 4 matter?
 5 A. I'm not aware of any discussions after from the
 6 plaintiff on his complaint after that meeting they had
 7 with him in the office.
 8 Q. The August 16th meeting?
 9 A. Yeah.
 10 Q. Okay. Do you have knowledge other than, well, do you
 11 have knowledge of any conversations that Mr. Wilkes had
 12 with anybody at Beaumont regarding Tyler Maul?
 13 A. Am I aware of any?
 14 Q. Yeah. Did he report any to you?
 15 A. Yes.
 16 Q. Were you present for any that Mr. Wilkes himself was
 17 having?
 18 A. Not all of them, no.
 19 Q. Well, any of them?
 20 A. Yes. There was times that Whitney was at the facility,
 21 and we had talked all together, so yes.
 22 Q. Whitney Guerber, Mr. Wilkes and yourself?
 23 A. Yes.
 24 Q. Mr. Mack there, too?
 25 A. He may have been on a couple of the occasions. I just

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1 remember mainly with Mr. Wilkes.
 2 Q. Okay. And was this an ongoing discussion, or were
 3 these specific instances? What was discussed?
 4 A. So this was during the initial training, the concerns
 5 that were being brought up about performance and things
 6 that were going on. So I was involved in a couple of
 7 those, yes.
 8 Q. The initial training, what, the first 16 weeks?
 9 A. Correct.
 10 Q. Okay. Were those concerns documented?
 11 A. So, yes, the concerns were put in the training
 12 documentation.
 13 Q. Okay.
 14 A. Yes.
 15 Q. Is it accurate to say whatever concerns there were at
 16 the time didn't get in the way of him becoming
 17 certified, correct?
 18 A. Correct.
 19 Q. Well, during those 16 weeks, if there's grave concerns,
 20 wouldn't K-9 and NAPCH have the right to -- or not
 21 NAPCH from what you said, but K-9 have the right to
 22 say, no, you can't be certified. You're not deserving
 23 of certification because of this problem, this problem,
 24 this problem?
 25 A. Certification is a testing process.

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1 Q. Yeah.
 2 A. Whether they pass or fail.
 3 Q. Okay.
 4 A. All right. The training process is like a report card,
 5 you know, this is going on. This is going on. You need
 6 to improve here, those kind of things. And that's what
 7 we keep the employer up on. If we have concerns, we
 8 bring it to the employer.
 9 Q. Did you bring it to Tyler, to Mr. Maul?
 10 A. Yes.
 11 Q. And did he aspire to learn from the criticism, or to
 12 get better and better?
 13 A. Well, that's our goal.
 14 Q. No. I understand your goal.
 15 A. Yes.
 16 Q. What did you witness with Mr. Maul? Did he seem to
 17 listen to want to be taught?
 18 A. So I was never in a discussion with Mr. Maul about his
 19 performance. I was only in the discussions with
 20 Whitney and Mr. Wilkes.
 21 Q. Fair enough. Did anybody ever, Mr. Wilkes or Mr. Mack
 22 ever say to you, you know, not only is he not, you
 23 know, performing the way we'd like him to perform, but
 24 he just doesn't seem to care either. He just doesn't
 25 want to take our criticism. Is there any other reason

Page 73

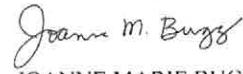
1 to think that Tyler just was just blowing off the
 2 criticisms or the teaching?
 3 A. I know he was struggling with the criticism, but he was
 4 not blowing it off.
 5 DEPOSITION EXHIBIT 2
 6 Subpoena
 7 11:45 a.m.
 8 BY MS. GORMAN:
 9 Q. I'm handing you what's been marked as Exhibit 2, Mr.
 10 Foley. Exhibit 2 presents as a subpoena signed by me
 11 requesting or commanding, as it were, your appearance
 12 here today. Did you receive a copy of this?
 13 A. I did.
 14 Q. Did you review it?
 15 A. Yes.
 16 Q. Okay. It had addendum A, which I will represent to you
 17 was the same request that was attached to a subpoena
 18 that my partner, Charlotte Croson, had submitted for
 19 production. We've gone over -- I think I've asked it
 20 every way I can about documents. Did you review all the
 21 things that we requested, the 21 items on the addendum?
 22 A. Yes, I did.
 23 Q. Is it your sworn testimony that you have provided your
 24 counsel with every possible document responsive to
 25 these requests?

<p style="text-align: right;">Page 74</p> <p>1 A. Yes.</p> <p>2 Q. There's nothing that you're withholding, no stone</p> <p>3 unturned that you haven't looked at? Do we have it</p> <p>4 all, or does at least Mr. Fett have it all?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. To your knowledge, are there any other</p> <p>7 recordings other than the one we've talked about, the</p> <p>8 August 16th meeting?</p> <p>9 A. Not that I'm aware of.</p> <p>10 Q. You listened to that recording, correct?</p> <p>11 A. I did.</p> <p>12 Q. It starts in the middle of a sentence. It starts in the</p> <p>13 middle. It does not start with, Tyler, please come into</p> <p>14 the meeting. We'd like to talk to you. It starts in</p> <p>15 the middle of something. If you looked at a transcript</p> <p>16 it becomes very clear. To your knowledge, is there any</p> <p>17 recording of the meeting that happened before, or the</p> <p>18 conversations that were going on before calling Tyler</p> <p>19 into the meeting?</p> <p>20 A. No.</p> <p>21 Q. Okay. Are you aware that -- do you know who Joe Tucker</p> <p>22 is?</p> <p>23 A. I am aware.</p> <p>24 Q. Are you aware that Mr. Tucker was present before they</p> <p>25 called Tyler into the meeting?</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Yes.</p> <p>2 Q. Perfect. It's pretty impressive.</p> <p>3 A. Thank you.</p> <p>4 MS. GORMAN: I have no further questions</p> <p>5 right now. I'll yield to Mr. Fett.</p> <p>6 MR. FETT: Did you mark this CV as an</p> <p>7 exhibit?</p> <p>8 MS. GORMAN: I did not.</p> <p>9 MR. FETT: I would like to mark that. Off</p> <p>10 the record.</p> <p>11 (Off the record at 11:50 a.m.)</p> <p>12 (Back on the record at 11:55 a.m.)</p> <p>13 DEPOSITION EXHIBIT 3</p> <p>14 Resume</p> <p>15 11:55 a.m.</p> <p>16 EXAMINATION</p> <p>17 BY MR. FETT:</p> <p>18 Q. All right. Ready to go back on the record? Mr. Foley,</p> <p>19 you were asked about whether you provided all documents</p> <p>20 in response to Exhibit Number 2, and I think Ms. Gorman</p> <p>21 told you that the attachment was the same as that we</p> <p>22 earlier responded to?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Or at least was sent to Beaumont. Was the</p> <p>25 entirety of your response the certification, the NAPCH</p>
<p style="text-align: right;">Page 75</p> <p>1 A. I am aware of that.</p> <p>2 Q. Is there a recording, to your knowledge, of the</p> <p>3 conversation that took place with Mr. Tucker prior to</p> <p>4 Mr. Maul being invited into the meeting?</p> <p>5 A. No.</p> <p>6 Q. And there's no other recordings, you know, to your</p> <p>7 knowledge?</p> <p>8 A. No.</p> <p>9 Q. Are there any recordings made at the site when anybody</p> <p>10 was counseling Tyler talking with Whitney Guerber,</p> <p>11 talking amongst yourselves?</p> <p>12 A. Not that I'm aware of.</p> <p>13 Q. Okay. Are you aware of any documents that have not</p> <p>14 been produced by Mr. Mack?</p> <p>15 A. No.</p> <p>16 Q. Same question as to Mr. Wilkes, anything?</p> <p>17 A. No.</p> <p>18 Q. Has K-9 ever been sued? Other than this litigation,</p> <p>19 has K-9 ever been sued by a former handler?</p> <p>20 A. No.</p> <p>21 Q. What about NAPCH, has any former member or current</p> <p>22 member ever sued NAPCH for any reason?</p> <p>23 A. No.</p> <p>24 Q. Okay. I was handed your resume. I appreciate this.</p> <p>25 This is accurate as to today, all the way up to today?</p>	<p style="text-align: right;">Page 77</p> <p>1 certification?</p> <p>2 A. Correct.</p> <p>3 Q. Are you aware of whether Mr. Maul ever came back to do</p> <p>4 any training after the August 16th, 2022 meeting that</p> <p>5 he had with Ms. Guerber, Dan Mack and Mark Wilkes?</p> <p>6 A. No, I don't believe so.</p> <p>7 Q. And neither you, Mr. Wilkes, or Mr. Mack, or K-9 were</p> <p>8 ever Mr. Maul's employer; is that true?</p> <p>9 A. Correct.</p> <p>10 Q. You listened to the tape of the August 16th, 2022</p> <p>11 meeting, right?</p> <p>12 A. Correct.</p> <p>13 Q. At any point, would you characterize the behavior of</p> <p>14 Mr. Mack as harassing and berating Mr. Maul?</p> <p>15 A. No.</p> <p>16 Q. Same question as to Mr. Wilkes.</p> <p>17 A. No.</p> <p>18 Q. Same question as to Ms. Guerber.</p> <p>19 A. No.</p> <p>20 Q. Did they seem to be companionate and understanding in</p> <p>21 that meeting with Mr. Maul?</p> <p>22 A. Yes.</p> <p>23 DEPOSITION EXHIBIT 4</p> <p>24 Excerpt from Tyler Maul's Deposition, Pages</p> <p>25 14-17</p>

20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 11:59 a.m. 2 DEPOSITION EXHIBIT 5 3 Excerpt from Tyler Maul's Deposition, Pages 4 54-57 5 12:00 p.m. 6 BY MR. FETT: 7 Q. I'm going to give you what I've marked as Exhibit 4. 8 And I will tell you that this is an excerpt from Mr. 9 Maul's deposition. And I'm going to give you Exhibit 10 5, which is another excerpt. Starting with Exhibit 4, 11 at my request did you review these excerpts from Mr. 12 Maul's deposition, that being 14 through 17? 13 A. Yes. 14 Q. And Mr. Maul indicates that his symptoms are, "Pretty 15 much like what the unknown is. I know that like 16 whenever -- I know like when you get into anxiety, you 17 have that fight or flight. I know I'm more of a flight. 18 I get scared almost. Sometimes when it gets real bad, 19 it's just like it feels like a frog is in my throat. I 20 worry. I know that sometimes my muscles lock up. I know 21 that symptoms with this new diagnosis, it's hard for me 22 to remember things." Did you read the rest of these 23 pages, 14 through 17? 24 A. I did. 25 Q. With the symptoms that Mr. Maul describes in this</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. He also indicates, again, on page 17, I'm sorry, page 2 17 line 15, he's asked, "Ever have problems with your 3 body just seizes up?" And his answer is yes. 4 A. Yes, I see that. 5 Q. Can you see where that would be a problem if you are 6 the tip of the spear, and having to respond before the 7 first responders arrive? 8 A. Yes. 9 Q. Now, I asked that question regarding a security guard. 10 I'm going to ask you about a K-9 security guard. Is 11 your opinion the same with regard to a K-9 security 12 guard? 13 A. Yes, it is. 14 Q. Is it even more of a problem if someone is a dog handler? 15 A. Yes. 16 Q. And why is that? 17 A. Because you have a live animal that you are in control 18 of, and you have to be able to react to what that 19 animal does or does not do. 20 Q. I'm looking at Exhibit 5, which is pages 54 through 57. 21 And Mr. Maul is asked on page 54 about being out of 22 breath, and he was asked, "Was that because you were 23 tired, not in shape, or because of anxiety? What was 24 it?" And his answer was, "So I know that when I get in 25 a panic, sometimes like I start like hyperventilating,</p>
<p style="text-align: right;">Page 79</p> <p>1 passage of his deposition, was he qualified to be a 2 security guard? 3 A. I would say no. 4 Q. And why do you say that? 5 A. Well, with the stressful situations that you meet 6 within the hospital, this would be a real personal 7 problem, and he wouldn't be able to act in a stressful 8 situation. 9 Q. Do security at hospitals or other facilities encounter 10 the bad actors before law enforcement arrives? 11 A. Yes, they do. 12 Q. Have you ever heard of the term the tip of the spear? 13 A. Yes. 14 Q. And are security officers the tip of the spear when it 15 comes to dealing with wrongdoers before the law 16 enforcement arrives? 17 A. Yes. 18 Q. Do you see in these comments that Mr. Maul has had 19 these symptoms for over 20 years? 20 A. I'm seeing it on the document, yes. 21 Q. But, I mean, you recall reading that? 22 A. Yes. 23 Q. In fact, he indicates at the bottom of 17 that he's had 24 these symptoms for many years? 25 A. Correct.</p>	<p style="text-align: right;">Page 81</p> <p>1 and I know that like I start worrying like, oh, my God. 2 Am I doing this right. I know when it gets really bad, 3 or when it gets far stretched out, I feel disassociated 4 from my body. It's like I don't even know how to say. 5 When I was saying the whole fight or flight situation, 6 I'm more of a flight. I don't really react with anger 7 compared to what my flight. When my flight happens, 8 it's like I turn ghost white almost like how they claim 9 that I look lifeless. That was part of my anxiety." Do 10 you see where those symptoms would be a problem if you 11 were a security guard? 12 A. Yes. 13 Q. And if you were a K-9 security guard? 14 A. Yes. 15 Q. You didn't know anything about these symptoms before 16 Mr. Maul started training with you, did you? 17 A. I did not. 18 Q. As far as you know, nobody else at K-9 knew about these 19 symptoms at any time before this lawsuit, true? 20 A. True. 21 Q. Did you ever talk with Mr. Cotton about Tyler Maul? 22 A. I did not. 23 Q. Did you ever talk with Joe Tucker about Tyler Maul? 24 A. Yes, I did. 25 Q. What was the conversation?</p>

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<p style="text-align: right;">Page 82</p> <p>1 A. That was generated by Mr. Tucker who called me. He was 2 made aware from Whitney about the concerns that we had. 3 Q. And what did you tell him? 4 A. I just verified that the master trainers were making it 5 known of some performance issues. So it was just a 6 verification, if you will. 7 Q. At any point, did you recommend to Mr. Tucker that 8 Beaumont fire Tyler Maul? 9 A. Not at any time. 10 Q. Did you have any input into his termination? 11 A. None. 12 Q. Was there a Lt. White that worked for Beaumont, Deshawn 13 White? 14 A. I have not talked to him. 15 Q. Okay. Certainly not about Mr. Maul; is that right? 16 A. Correct. 17 Q. Did you recommend to anybody at Beaumont that they 18 should terminate Mr. Maul's employment? 19 A. No. 20 Q. Other than the discussion where you verified for Mr. 21 Tucker your concerns of your trainers, did you talk 22 with anybody else at Beaumont about Mr. Maul? 23 A. No. 24 Q. Are you aware of any contractor or subcontractor 25 trainer, whatever, recommending to Beaumont that they</p>	<p style="text-align: right;">Page 84</p> <p>1 at Beaumont? 2 A. Not that I'm aware of, no. 3 Q. How about a K-9 security officer at Beaumont, could a 4 blind person do that job? 5 A. No. 6 Q. And could a person with such severe emotional problems 7 as Tyler Maul perform in a manner safe for him, and the 8 public, and his employer as a security guard for 9 Oakwood? 10 A. I don't believe so. 11 MR. FETT: That's all I have. 12 MS. GORMAN: That's all I have. Thank you. 13 (The Deposition was concluded at 12:10 p.m. 14 Signature of the witness was not requested by 15 counsel for the respective parties hereto.) 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 83</p> <p>1 fire Mr. Maul? 2 A. No. 3 Q. Is that their place to do so? 4 A. They're the employer. That's their job, not mine. 5 MR. FETT: Hold on for just a second. I need 6 to retrieve one more document. 7 (Off the record at 12:08 p.m.) 8 (Back on the record at 12:09 p.m.) 9 MR. FETT: I don't have anything further. 10 RE-EXAMINATION 11 BY MS. GORMAN: 12 Q. Two or three follow-ups. Mr. Foley, have you ever seen 13 any of the performance evaluations that Beaumont 14 conducted on Mr. Maul as a security guard? 15 A. No. 16 Q. Have you ever seen any -- have you ever seen him 17 performing his job as a security guard at Beaumont? 18 A. No. 19 Q. Have you ever seen him performing his job as a K-9 20 security guard at Beaumont? 21 A. No. 22 MS. GORMAN: I have no further questions. 23 RE-EXAMINATION 24 BY MR. FETT: 25 Q. Mr. Foley, could a blind person be a security officer</p>	<p style="text-align: right;">Page 85</p> <p>1 CERTIFICATE OF NOTARY 2 STATE OF MICHIGAN) 3) SS 4 COUNTY OF WAYNE) 5 6 I, JOANNE MARIE BUGG, certify that this 7 deposition was taken before me on the date hereinbefore 8 set forth; that the foregoing questions and answers 9 were reported by me stenographically and reduced to 10 computer transcription; that this is a true, full and 11 correct transcript of my stenographic notes so taken; 12 and that I am not related to, nor of counsel to, either 13 party nor interested in the event of this cause. 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">  JOANNE MARIE BUGG, CSR-2592 Notary Public Wayne County, Michigan My Commission expires: 2-26-2025 </p>

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